

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

-v-

No. 13-CR-271-LTS

WESLEY FRAME,

ORDER

Defendant.

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The Court has received Defendant Wesley Frame's pro se motion for a reduction in sentence pursuant to 18 U.S.C. § 3582(c)(1)(A), together with a request for the appointment of counsel to assist him with that motion. As Mr. Frame's motion includes sensitive medical information, the Court will file a redacted version of the motion publicly on the docket, and file the original, unredacted motion under seal; an unredacted copy of the motion will be provided to the Government.

The Court grants Mr. Frame's request for the appointment of counsel to assist him with his motion for a reduction in sentence. Accordingly, it is hereby ORDERED that David Bertan, Esq., is appointed as CJA counsel to represent Mr. Frame in connection with his application to the Bureau of Prisons and, following exhaustion, to this Court, for a reduction in sentence.

Because Mr. Frame has presented no evidence of having exhausted his administrative requirements under 18 U.S.C. § 3582(c)(1)(A), the Court directs Mr. Frame, through counsel, to supplement his motion with (1) evidence of having exhausted his administrative remedies, and (2) any further briefing in support of his motion for a reduction in sentence, by **December 7, 2020**. Within **14 days of Mr. Frame's supplemental filing**, the Government is directed to file its response to Mr. Frame's motion, which must include his BOP

medical records. The Government may file under seal any medical records that are included in the response, and sensitive medical information may be redacted from the response that is filed on ECF. The unredacted originals must be filed with the Clerk's Office with a copy of this Order. A complete, unredacted courtesy copy of the Government's response must be provided to Defendant and emailed to Chambers via SwainNYSDCorresp@nysd.uscourts.gov. Mr. Frame's reply to the Government's response, if any, must be filed **within seven days of the filing of the Government's response.**

Chambers will mail a copy of this order to Mr. Frame.

SO ORDERED.

Dated: New York, New York
October 26, 2020

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
United States District Judge

Copy mailed to:

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